

REMARKS

The claim rejections and objections and some other informalities are traversed by editing of claims that does not narrow them. Therefore, no Festo-like limitations should arise even from the editing that is in response to a statutory rejection.

The allowability of claims 2, 4-6 and 10-13 but for their dependence on rejected claims indicated by the absence of other rejection is acknowledged appreciatively.

The rejection of independent claims 1, 9, 15 and 16 for obviousness-type double patenting over commonly owned patent 6,633,026 and the Robinson reference is traversed for lack of motivation for the combination.

In order to combine references for a rejection, there must be some motivation to combine them and, according to the Federal Circuit, there are only three possible sources of such motivation: "... the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." In re Rouffet, 47 USPQ2d 1453 (Fed. Cir. 1998).

The problem to be solved in this case is the nature of the control signal to a base station that, in the commonly owned patent, functions primarily by transmitting light and only alternatively mentions low-power radio, a disclosure that the Action itself did not find motivational, as shown by the added citation of the Robinson reference for this. Because the base station of this patent functions by transmitting light, it does not, on the one hand, motivate that it should have instead a radio function according to the Robinson reference that, on the other hand, has no light function.

The teachings of the commonly owned patent in respect of signals are exclusively light. The teachings of the Robinson reference are exclusively radio. Exclusive teachings do

not motivate using one (light) for some things and the other (radio) for others, as claimed.

As for the ordinary skill in the art, In re Rouffet itself rejects its "rote invocation" and the Action suggests no other.

Therefore, the only possible motivation for combining the patent and the Robertson reference is the specification itself, wherein the teachings of the inventor-teachers are used against themselves.

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that the knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher. W. L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 312,313 (Fed. Cir. 1983).

The rejection of claim 16 under 35 USC 103 for obviousness from the Robinson and Flesner, et al. references is more easily traversed. Claim 16 requires more than the light power supply of the Flesner patent supposed to complete the claimed combination by combination with the Robinson reference. Claim 16 requires a first photo-detector for electric current and also a second photo-detector wherein, in response to its detecting, a control signal is transmitted. The references together only disclose the first photo-detector for electric current. There is neither disclosure nor suggestion of the second.

The Robinson reference relates to a wireless video alarm device and system. It fails to disclose a power receiver that comprises a first photo-detector for receiving the light emitted by a first light source of a power transmitter in the base station and transforming it into electric current, and a second photo-detector for detecting the light emitted by a second light source of the power transmitter in the base station and that the surveillance device is arranged to transmit a control signal to the base station by means of the radio frequency transceiver in

response to the detection of the light emitted by the second light source.

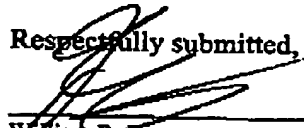
In fact, on the one hand, the Robinson reference does not say anything about the transmission of power wirelessly. On the contrary, it uses an AC power source 26 and battery power supply 36 in the event of power failure. The Robinson reference does not even say that there could be problems relating to the power supply, for example in un-wired locations.

The Flesner, et al. reference, on the other hand, discloses nothing more than a wireless power supply.

Therefore, there is not any motivation to combine the Robinson and Flesner, et al. references. And even if they were combined, they would not provide the device of claim 16, because, even together, they neither disclose nor suggest a second photo-detector for detecting the light emitted by a second light source and transmitting a control signal to the base station by a radio frequency transceiver that also transmits surveillance data.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,


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